IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS & INTERFERENCES

In re Application of: John J. Giobbi

Application No.: 10/812,333 — Confirmation No.: 2703

Filed: March 29, 2004 — Art Unit: 3714

For: CENTRALIZED GAMING SYSTEM WITH MODIFIABLE REMOTE DISPLAY TERMINALS — Examiner: Arthur O. Hall

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APPEAL BRIEF

Sir:

The following Appeal Brief is timely submitted in support of the appeal proceedings instituted by a Notice of Appeal filed July 24, 2009, in response to the final Office Action mailed March 30, 2009 and the Advisory Action mailed July 13, 2009, in connection with the above-captioned patent application.

I. REAL PARTY IN INTEREST

WMS Gaming Inc. is the real party in interest.

II. RELATED APPEALS AND INTERFERENCES

There are presently no appeals or interferences known to the Appellants, the Appellants' representative, or the assignee, which will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 55-60, 71-74, and 93-96 are currently pending in the application. Claims 1-54, 61-70, and 75-92 have been cancelled. This Appeal is taken from the rejection of claims 55-60, 71-74, and 93-96, as submitted in the Appendix herewith.

IV. STATUS OF AMENDMENTS

Amendments to claims 95 and 96 were entered subsequent to the final Office Action mailed on March 30, 2009 (hereinafter, "the final Office Action"). Claims 95 and 96 were amended in response to the claim objections in the final Office Action. (*See* final Office Action, page 3, line 14-page 4, line 7; Response to Final Office Action filed June 30, 2009, § IV.A.) According to the Advisory Action mailed July 13, 2009 (hereinafter, "Advisory Action"), "Examiner withdraws further objection to claims 95 and 96 in lieu of applicant's amendments of the claims that obviate further objection." (Advisory Action, Continuation Sheet, lines 1-2.)

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention is generally directed to a centralized gaming system. A central server system stores a plurality of games of chance. At least one remote display terminal is linked to the central server system. When a remote display terminal has been idle for a

predetermined period of time, a display of the remote display terminal displays game selection indicia corresponding to the plurality of games stored on the central server system. One of the games is selected for play according to the game selection indicia. Software is then executed to randomly select an outcome for the selected game. The outcome is visually represented on the display of the remote display terminal. The display displays the selected game until the remote display terminal has been idle for the predetermined period of time.

Independent claim 55 of the present application recites a centralized gaming system. The system comprises a central server system storing a plurality of games of chance. (*See, e.g.,* present Specification as filed (hereinafter, "present Specification"), page 5, lines 14-15; 18-23; page 6, lines 1-4; *see also* FIG. 1, elements 10 and 14.) The system also comprises at least one remote display terminal linked to the central server system. (*See, e.g.,* present Specification, page 5, lines 14-16, 24-32; *see also* FIG. 1, elements 12a, 12b, 12c, . . ., 12n.) The at least one remote display terminal includes a display. (*See, e.g.,* present Specification, page 14, lines 1-6, 12-13; *see also* FIG. 4, elements 36 and 38.) In response to the at least one remote display terminal being idle for a predetermined period of time, the display displays a plurality of game selection indicia corresponding to the plurality of games. (*See, e.g.,* present Specification, page 7, lines 4-9; page 8, lines 4-9.) In response to one of the games being selected for play according to the game selection indicia displayed at one of the at least one remote display terminal, software for the selected game is executed to randomly select an outcome. (*See, e.g., id.*, page 8, lines 13-14, 22; page 9, lines 9-10; page 11, lines 11-30.) The outcome is visually represented on the display of the one remote display terminal. (*See, e.g., id.*, page 11, line 30-page 12, line 2.) The display of the one remote display terminal displays the selected game until the one remote display terminal has been idle for the predetermined period of time. (*See, e.g., id.*, page 8, lines 10-12.)

Independent claim 77 of the present application recites a method of executing a game of chance. The method comprises providing a central server system. (*See, e.g., id.*, page 5, lines 14-15, 18-19; *see also* FIG. 1, element 10.) The central server system stores a plurality of games of chance. (*See, e.g.,* present Specification, page 5, lines 18-23; page 6, lines 1-4; *see also* FIG. 1, element 14.) The central server system also includes a play engine. (*See, e.g.,* present Specification, page 5, lines 18-23; page 6, lines 20-21; page 8, lines 8-10; *see also* FIG. 1, element 16.) The method also comprises providing at least one display terminal remote from and linked to the central server system. (*See, e.g.,* present Specification, page 5, lines 14-16, 24-32; *see also* FIG. 1, elements 12a, 12b, 12c, . . ., 12n.) The at least one remote display terminal includes a display. (*See, e.g.,* present Specification, page 14, lines 1-6, 12-13; *see also* FIG. 4, elements 36 and 38.) In response to the at least one remote display terminal being idle for a predetermined period of time, the method further comprises displaying a plurality of game selection indicia corresponding to the plurality of games. (*See, e.g.,* present Specification, page 7, lines 4-9; page 8, lines 4-9.) In addition, the method comprises receiving, according to the game selection indicia at one of the display terminals, a player's selection of one of the games to be played at the one display terminal. (*See, e.g., id.*, page 8, lines 13-14, 22.) Moreover, the method comprises executing software for the selected game to randomly select an outcome. (*See, e.g., id.*, page 9, lines 9-10; page 11, lines 11-30.) The method also comprises visually representing the outcome on a display of the one of the display terminals. (*See, e.g., id.*, page 11, line 30-page 12, line 2.) The method further comprises displaying the selected game until the one display terminal has been idle for the predetermined period of time. (*See, e.g., id.*, page 8, lines 10-12.)

As such, the claims of the present invention recite an advantageous system and method for centralizing a gaming system and configuring a remote display terminal to offer a plurality of games and to facilitate a player's ability to play a variety of games without, for

example, having to search the casino floor for his or her preferred game. (*See, e.g.,* present Specification, page 16, lines 9-11.)

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of objection and rejection to be reviewed are as follows:

Claims 55, 57-60, 71-74 and 93-96 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,409,602 to Wiltshire *et al.* (hereinafter, "Wiltshire") in view of U.S. Patent No. 6,089,975 to Dunn (hereinafter, "Dunn").

Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiltshire in view of Dunn, and further in view of U.S. Patent No. 5,917,725 to Thacher *et al.* (hereinafter, "Thacher").

VII. ARGUMENTS

A. The rejection of claims 55, 57-60, 71-74 and 93-96 under 35 U.S.C. § 103(a) as being unpatentable over Wiltshire in view of Dunn should be REVERSED.

Claims 55, 57-60, 71-74 and 93-96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiltshire in view of Dunn. (*See* final Office Action, page 5, lines 3-5.) Applicant respectfully traverses the rejection, because Wiltshire and Dunn cannot be combined to establish sufficient grounds for a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

1. The combination of Wiltshire and Dunn fails to teach or suggest each and every element recited by independent claims 55 and 71.

One basic requirement for a prima facie case of obviousness under 35 U.S.C. § 103(a) is that the prior art references must teach or suggest each and every element recited by the claims. *See, e.g., Manual of Patent Examining Procedure* (*M.P.E.P.*), 8th Ed., Revision 7 (July 2008), § 2143. In addition, "[a]ll words in a claim must be considered in judging the

patentability of that claim against the prior art." *Id.*, § 2143.03 (citing *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)). Applicants respectfully request that the rejection of the claims under 35 U.S.C. § 103(a) be REVERSED, because neither Wiltshire nor Dunn teaches or suggests displaying a plurality of game selection indicia corresponding to a plurality of games on a remote display terminal after the remote display terminal has been idle for a predetermined period of time, as recited by independent claims 55 and 71.

The present invention is generally directed to a centralized gaming system. A central server system stores a plurality of games of chance. At least one remote display terminal is linked to the central server system. When a remote display terminal has been idle for a predetermined period of time, a display of the remote display terminal displays game selection indicia corresponding to the plurality of games stored on the central server system. One of the games is selected for play according to the game selection indicia. Software is then executed to randomly select an outcome for the selected game. The outcome is visually represented on the display of the remote display terminal. The display displays the selected game until the remote display terminal has been idle for the predetermined period of time.

In particular, claim 55 recites, *inter alia*, "in response to the at least one remote display terminal being idle for a predetermined period of time, the display displaying a plurality of game selection indicia corresponding to the plurality of games."

Correspondingly, independent claim 71 recites, *inter alia*, "in response to the at least one remote display terminal being idle for a predetermined period of time, displaying a plurality of game selection indicia corresponding to the plurality of games."

According to the present Specification:

> The multi-game remote display terminal 12 allows a player at the terminal 12 to play any of the games of chance stored in the master game server 14. For example, if the master game server 14 contains eighty-seven slot games, ten poker games, one blackjack game, one keno game, and one bingo game, any of these one hundred games may be played at each remote display terminal 12

> even if the same game is already being played at another one of the remote display terminals 12.

(*See, e.g.,* present Specification, page 7, lines 4-9.) Moreover, the present Specification explains:

> After a player at a remote display terminal 12 has redeemed any credits remaining on terminal 12 and the terminal 12 has remained idle for a predetermined period of time ranging from a few seconds to a few minutes, the remote display terminal 12 may be configured to notify prospective players as to the games available for play on the remote display terminal 12. Toward that end, the remote display terminal 12 displays a game selection menu with a plurality of game selection indicia.

(*See, e.g.,* present Specification, page 8, lines 4-9.)

The final Office Action acknowledges that Wiltshire fails to teach each and every element of claims 55 and 71. In particular, the final Office Action explains:

> Wiltshire does not appear to teach displaying a plural game selection indicia corresponding to plural games after the display terminal is idle for a predetermined period of time; and displaying the selected game until the display terminal has been idle for a predetermined period of time, wherein the outcome is disposed on the display of the display terminal as claimed.

(final Office Action, page 5, line 4-page 6, line 24.) Thus, the final Office Action asserts that the deficiencies of Wiltshire can be cured by the teachings of Dunn. (*See* final Office Action, page 6, line 5-page 8, line 5.) Dunn, however, fails to teach or suggest displaying a plurality of game selection indicia corresponding to the plurality of games. Although Dunn may disclose providing a display on an electronic gaming apparatus when the apparatus is not being actively operated by a game player, the display during this inactive period is limited to promotional advertising. According to Dunn:

> Thus, the system and gaming apparatus of the present invention, as described hereinbefore and as illustrated in FIGS. 1, 2 and 3 of the drawing sheets, provides casino and gaming establishment owners and operators with a unique means of interactively advertising and promoting the full features and facilities of the casino or establishment at a vast number of display points therein via idle gaming machines. The present system and apparatus also provides customers of the casino or establishment with a wide variety of information respecting other entertainment opportunities, tourist attractions, shopping

> facilities, traffic and travel information, and other information of current or future interest.

Dunn, col. 6, lines 22-34. The displays in Dunn are intended to provide purely *commercial* information, *i.e.*, advertising and promotions for "the full features and facilities of the casino or establishment" as well as "other entertainment opportunities, tourist attractions, shopping facilities, traffic and travel information, and other information of current or future interest." *Id.* As such, not only does Dunn fail to teach or suggest displaying a plurality of game selection indicia corresponding to the plurality of games, Dunn fails to teach or suggest displaying information regarding *any* aspect of game play on the apparatus.

Additionally, Dunn teaches:

> The central computer system of the casino or other type of gaming establishment is interconnected to each unit of electronic gaming apparatus and its video game display screen via an interface computer board which functions to provide the selected promotional advertising material to the gaming apparatus for display via the game display screen of the apparatus unit when the gaming unit is not activated for play and in play by a game player.

Dunn, col. 2, line 66-col. 3, line 6. In particular, Dunn explains that:

> Within the scope of the promotional advertising system of the invention it is possible to readily change the content and sequence of the video ads by rapid computer modification of the video tape, CD-Rom disk and/or modem presentations communicated to the central computer system of a casino or other gaming establishment applying the system to its video gaming apparatus units.
>
> Referring now to FIG. 3 of the drawing sheets, there is presented a diagrammatic view of the operational flow scheme of the gaming apparatus of the invention. The context of, or setting for, the flow scheme of FIG. 3 is a casino or other gaming establishment with a central computer system interconnected to the variety of video gaming machines of the casino or establishment which each have a video screen for presenting the game play and results to a player. Thus, in accordance with the present invention a program of interactive promotional advertisements and informational presentations is provided to the central computer system of a subscribing casino or gaming establishment via video tape input 40, CD-Rom disk input 42 or modem input 44. The central computer system mode 46 of the casino or establishment receives such program input via a selected intercommunication means 40a, 42a or 44a, respectively, and processes the selected program input digitally for transmission through a multiplicity of gaming machine interconnects 46a to the respective computer system IC interface boards 48 of

> the multiplicity of video game machines of the casino or gaming establishment.
>
> The respective gaming machine IC interface boards 48 of the promotional advertising system of the invention are interconnected via interconnect means 48a to the video game display screens 50 of each gaming machine 60 and the respective machine's internal electronic programs and systems for game activation, game play game result display and game play termination.

Id., col. 5, lines 18-52. Thus, implementing the promotional advertising system of Dunn requires a special architecture that is separate from the game play architecture of the gaming machine, *i.e.*, "the video game display screens 50 of each gaming machine 60 and the respective machine's internal electronic programs and systems for game activation, game play game result display and game play termination." *Id.*, col. 5, lines 46-52. Specifically, the architecture of the promotional advertising system of Dunn requires the installation of special interface boards 48 on each gaming machine to receive promotional advertisements from a special advertising data source, *i.e.*, "via video tape input 40, CD-Rom disk input 42 or modem input 44." *Id.*, col. 5, lines 33-52. This advertising data source is different from any source of information relating to any aspect of game play on the apparatus. *Id.*, col. 5, lines 33-38. Indeed, the advertising system of Dunn is designed to allow each gaming machine to be retrofitted with the special interface boards 48 so that each gaming machine can readily receive promotional advertisements from a special advertising data source. *See id.*, col. 5, lines 1-24. Because Dunn separates the special advertising architecture from the game play architecture, Dunn fails to teach or suggest that any aspect of its special advertising information can be employed with game play information. In particular, it would not have been obvious to use a source of game play information with Dunn's special advertising architecture.

The final Office Action asserts that:

> . . . one of ordinary skill in the art would have understood that promotional advertisements or informational presentations, which incorporate images for selection by the game player for accessing promotions, may also incorporate

> other selectable images for game play in order to give the game player the option to re-activate game play after shopping during the period in which the game machine/display is inactive.

(final Office Action, page 7, lines 15-20.) Applicant respectfully submits, however, that the final Office Action's assertion is conclusory, because the final Office Action fails to provide any evidence that satisfactorily establishes that the display of selectable game play images is related to, or suggested by, the display of the promotional advertisements taught by Dunn. The courts have established that the reasoning behind an obviousness rejection "should be made explicit." *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007) (citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) ("[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.")); *see also M.P.E.P.* § 2142. In this case, however, the final Office Action does not provide the explicit reasoning that connects the concept of promotional advertisements to the concept of selectable images for game play.

In an attempt to support the assertions in the final Office Action, the Advisory Action argues that col. 4, line 49-col. 5, line 24 and col. 5, lines 46-57 of Dunn somehow teaches that its display of promotional advertising is related to a display of "game type, game parameter and game decision choices." (Advisory Action, Continuation Sheet, lines 7-11, 13-16.) However, as described previously, the sections of Dunn cited by the Advisory Action generally disclose the implementation of a special advertising architecture that is distinct from the game play architecture of the gaming machine. *See* Dunn, col. 4, line 49-col. 5, line 24 and col. 5, lines 46-57. As such, the Advisory Action actually contradicts its own argument by highlighting sections of Dunn that disclose an advertising data source that is different from any source of game play information. *See id.*, col. 5, lines 33-38. Applicant

maintains that there is insufficient evidence to connect the display of selectable game play images to the display of the promotional advertisements taught by Dunn.

The final Office Action also suggests that one of ordinary skill in the art would incorporate selectable images for game play "to give the game player the option to re-activate game play after shopping during the period in which the game machine/display is inactive." (final Office Action, page 7, lines 19-20.) However, the final Office Action does not explain why a plurality of game selection indicia corresponding to a plurality of games would be specifically necessary to re-activate game play. Indeed, Dunn explains that the display of promotional advertisements "may be periodically interrupted for program rest periods whereupon the electronics of the gaming machine 60 returns the idle video screen display to a showing of normal game-end display subject matter such as the last game hand of cards." Dunn, col. 5, lines 63-67. Thus, Dunn teaches that game play can be re-activated periodically, *i.e.*, at particular time intervals without requiring selectable images for game play.

Furthermore, the final Office Action appears to provide an inaccurate reading of Dunn. The final Office Action asserts that the promotional advertisements of Dunn "incorporate images for selection by the game player for accessing promotions." (final Office Action, page 6, lines 17-18.) Dunn, however, does not teach or suggest that the game player can select images to access promotions. Rather, Dunn teaches that the "interface board 48 is activated thereby transmitting to the video screen 50, in cyclic and/or period program sequences, the promotional advertising and information presentations selected by the casino (or other gaming establishment) owner/operator." Dunn, col. 5, lines 56-60. Therefore, promotional advertisements in Dunn are videos that are preselected by the owner/operator and displayed repeatedly in a static sequence without any input by the game player. *See id.* Accordingly, because Dunn does not teach or suggest selectable advertisements, Dunn

provides even less suggestion for employing selectable game play images than the final Office Action asserts.

Accordingly, both Wiltshire and Dunn provide insufficient grounds for rejecting independent claims 55 and 71, because they each fail to teach or suggest displaying a plurality of game selection indicia corresponding to the plurality of games when a display terminal has been idle. Thus, reversal of the rejection of claims 55 and 71 is in order and is respectfully requested.

According to the *M.P.E.P.*, "[i]f an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *M.P.E.P.* § 2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Therefore, dependent claims 57-60, 72-74, and 93-96 are also allowable based at least on their dependency on respective base claims 55 and 71.

2. The teachings of Wiltshire and Dunn cannot be combined without modifying a principle of operation of Dunn.

According to the *M.P.E.P.*, "[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious." *M.P.E.P.* § 2143.01 VI. Applicants respectfully submit that combining the teachings of Wiltshire and Dunn as suggested by the final Office Action would improperly require a principle of operation of Dunn to be modified. As described previously, the displays in Dunn are intended to provide purely *commercial* information, *i.e.*, advertising and promotions for "the full features and facilities of the casino or establishment" as well as "other entertainment opportunities, tourist attractions, shopping facilities, traffic and travel information, and other information of current or future interest." Dunn, col. 6, lines 22-34. As such, the displays are intended to promote the generation of revenue through other venues

and activities unrelated to game play on the gaming machine. If the teachings of Wiltshire and Dunn were combined as suggested by the final Office Action, the game selection indicia would be displayed in place of the promotional advertising. Replacing the promotional advertising would improperly modify a principle of operation of Dunn by preventing the generation of revenue through the promotion of other venues and activities.

Moreover, as described previously implementing the promotional advertising system of Dunn teaches a special architecture that is separate from the game play architecture of the gaming machine, *i.e.*, "the video game display screens 50 of each gaming machine 60 and the respective machine's internal electronic programs and systems for game activation, game play game result display and game play termination." Dunn, col. 5, lines 46-52. Specifically, the architecture of the promotional advertising system requires the installation of special interface boards 48 on each gaming machine to receive promotional advertisements from a special advertising data source, *i.e.*, "via video tape input 40, CD-Rom disk input 42 or modem input 44." *Id.*, col. 5, lines 33-52. This advertising data source is different from any source that provides information regarding any aspect of game play on the apparatus. *Id.*, col. 5, lines 33-38. Combining a source of game play information with Dunn's special advertising architecture would merge aspects of the special advertising architecture and the game play architecture in a manner that directly contradicts the express teachings of Dunn. Such a combination would eliminate the separate advertising architecture taught by Dunn. In addition, the advertising system of Dunn is designed to allow each gaming machine to be retrofitted so that each gaming machine can readily receive promotional advertisements from a special advertising data source. *See id.*, col. 5, lines 1-24. Merging aspects of the special advertising architecture and the game play architecture would eliminate the advantages of being able to retrofit a gaming machine separately and without regard to the game play

architecture as taught by Dunn (*see id.*, col. 5, lines 1-24, 46-52). This would improperly modify a principle of operation of Dunn.

Accordingly, the teachings of Wiltshire and Dunn are not combinable to establish sufficient grounds for a *prima facie* case of obviousness. Thus, reversal of the rejection of claims 55, 57-60, 71-74 and 93-96 is in order and is respectfully requested.

3. The teachings of Wiltshire and Dunn cannot be combined to achieve the claimed invention.

According to the *M.P.E.P.*, "The prior art can be modified or combined to reject claims as *prima facie* obvious as long as there is a reasonable expectation of success." *M.P.E.P.* § 2143.02 I. Additionally, the *M.P.E.P.* explains that "at least some degree of predictability is required." *Id.* § 2143.02 II. Applicant respectfully submits that even if the teachings of Wiltshire and Dunn were combinable, there is no evidence that the results of such a combination would have been sufficiently predictable to produce the inventions claimed by claims 55 and 71. The final Office Action asserts that Wiltshire discloses the selection of a game according to displayed game selection indicia. (*See* final Office Action, page 5, lines 19-23.) Specifically, Wiltshire teaches that a casino floor image with selectable casino games is displayed on a computer gaming system when a user activates the computer gaming system by touching the surface of a display screen. *See* Wiltshire, col. 8, lines 42-65. Meanwhile, as described previously, Dunn teaches that promotional advertising is displayed on an electronic gaming apparatus when the apparatus is not being actively operated by a game player. Thus, a combination of these teachings would actually yield a gaming system that 1) displays promotional advertising *when the system is not being actively operated by a user*, and 2) displays selectable game indicia *after the system has been activated by a user via the touch screen.* In other words, the system would not show the selectable game indicia while the system is inactive, as required by the claimed invention. Because combining the

teachings of Wiltshire and Dunn would fail to predictably achieve the claimed invention, the final Office Action has failed to establish a *prima facie* case of obviousness. Thus, reversal of the rejection of claims 55, 57-60, 71-74 and 93-96 is in order and is respectfully requested.

4. Rejecting the claims based on the combination of Wiltshire and Dunn is the result of impermissible hindsight.

According to the *M.P.E.P.*, "impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art." *M.P.E.P.* § 2142. As discussed previously, neither Wiltshire nor Dunn teaches or suggests they each fail to teach or suggest displaying a plurality of game selection indicia corresponding to the plurality of games when a display terminal is idle, as recited by independent claims 5 and 71. In addition, there is no evidence that the results of combining the teachings of Wiltshire and Dunn would have been sufficiently predictable to produce the claimed inventions. Furthermore, combining the teachings of Wiltshire and Dunn as suggested by the final Office Action would improperly require the principle of operation of one of the references to be modified. The final Office Action's attempt to stretch the teachings of Wiltshire and Dunn to arrive at the claimed invention where such teachings do not exist suggests that the final Office Action is applying impermissible hindsight. Indeed, as described previously, the final Office Action's attempt to reach the claimed invention require inaccurate readings of Dunn. Thus, reversal of the rejection of claims 55, 57-60, 71-74 and 93-96 is in order and is respectfully requested.

B. <u>The rejection of claim 56 under 35 U.S.C. 103(a) as being unpatentable over Wiltshire in view of Dunn, and further in view of Thacher should be REVERSED.</u>

Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiltshire in view of Dunn, and further in view of Thacher. One basic requirement for a prima facie case

of obviousness under 35 U.S.C. § 103(a) is that the prior art references must teach or suggest each and every element recited by the claims. *See*, *e.g.*, *M.P.E.P.* § 2143. Applicants respectfully submit that dependent claim 56 is allowable, because the final Office Action fails to establish that Thacher teaches or suggests displaying a plurality of game selection indicia corresponding to the plurality of games when a display terminal has been idle. (*See* final Office Action page 10, line 5-page 11, line 16.) In other words, Thacher does not cure the deficiencies of Wiltshire and Dunn described previously. Thus, claim 56 is allowable at least for the same reason as its base claim 55. Reversal of the rejection of claim 56 is in order and is respectfully requested.

VIII. CONCLUSION

For all of the reasons discussed above, Appellants respectfully submit that all pending claims 55-60, 71-74, and 93-96 define patentable subject matter under 35 U.S.C. § 103(a). Accordingly, Appellants respectfully request that this Honorable Board reverse the rejections of claims 55-60, 71-74, and 93-96.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-4181. If necessary, this paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: October 26, 2009

Respectfully submitted,

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IX. CLAIMS APPENDIX

This listing of claims will replace all prior versions, and listing, of claims in the application.

1-54. (Cancelled)

55. (Previously Presented) A centralized gaming system, comprising:

a central server system storing a plurality of games of chance; and

at least one remote display terminal linked to the central server system, the at least one remote display terminal including a display, and in response to the at least one remote display terminal being idle for a predetermined period of time, the display displaying a plurality of game selection indicia corresponding to the plurality of games;

wherein in response to one of the games being selected for play according to the game selection indicia displayed at one of the at least one remote display terminal, software for the selected game is executed to randomly select an outcome, and the outcome is visually represented on the display of the one remote display terminal, the display of the one remote display terminal displaying the selected game until the one remote display terminal has been idle for the predetermined period of time.

56. (Previously Presented) The gaming system of Claim 55, wherein in response to one of the games being selected for play at the one remote display terminal at least some software for the selected game is downloaded from the central server system to the one remote display terminal and is selectively executed at the one remote display terminal.

57. (Previously Presented) The gaming system of Claim 55, wherein in response to one of the games being selected for play at the one remote display terminal, at least some software for the selected game is executed at the central server system.

58. (Previously Presented) The gaming system of Claim 55, wherein the software includes a random number generator for randomly selecting the outcome.

59. (Previously Presented) The gaming system of Claim 55, wherein the at least one remote display terminal includes upper and lower video displays, the upper video display depicting billboard indicia, the lower display visually representing the outcome.

60. (Previously Presented) The gaming system of Claim 59, wherein the upper display is a flat panel display selected from a group consisting of a liquid crystal display (LCD), plasma display, field emission display, digital micromirror display (DMD), dot matrix display, and vacuum florescent display (VFD).

61-70. (Cancelled)

71. (Previously Presented) A method of executing a game of chance, comprising:

providing a central server system storing a plurality of games of chance and including a play engine;

providing at least one display terminal remote from and linked to the central server system, the at least one remote display terminal including a display;

in response to the at least one remote display terminal being idle for a predetermined period of time, displaying a plurality of game selection indicia corresponding to the plurality of games;

receiving, according to the game selection indicia at one of the display terminals, a player's selection of one of the games to be played at the one display terminal;

executing software for the selected game to randomly select an outcome;

visually representing the outcome on a display of the one of the display terminals; and

displaying the selected game until the one display terminal has been idle for the predetermined period of time.

72. (Previously Presented) The method of Claim 71, wherein the step of executing the software includes generating a random number for randomly selecting the outcome.

73. (Previously Presented) The method of Claim 71, further including downloading at least some software for the selected game to the one display terminal, and selectively executing the software for the selected game at the one display terminal.

74. (Previously Presented) The method of Claim 71, further including executing at least some software for the selected game at the central server system.

75-92. (Cancelled)

93. (Previously Presented) The gaming system of Claim 56, wherein the at least some software executed at the one remote display terminal is audiovisual software for visually representing the outcome on the display of the one of the display terminals.

94. (Previously Presented) The gaming system of Claim 57, wherein the at least some software executed at the central server system is game play software for randomly selecting an outcome.

95. (Previously Presented) The method of Claim 73, wherein the at least some software executed at the one display terminal is audiovisual software for visually representing the outcome on the display of the one of the display terminals.

96. (Previously Presented) The method of Claim 74, wherein the at least some software executed at the central server system is game play software for randomly selecting an outcome.

X. EVIDENCE APPENDIX

None.

XI. RELATED PROCEEDINGS APPENDIX

None.